

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-273-FDW  
(3:03-cr-55-FDW-1)**

ANDREW TIMOTHY JONES, )  
                            )  
                            )  
**Petitioner,**           )  
                            )  
                            )  
vs.                       )  
                            )  
                            )  
UNITED STATES OF AMERICA, )  
                            )  
                            )  
**Respondent.**          )  
                            )  
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**ORDER**

**THIS MATTER** is before the Court to correct a previous order.

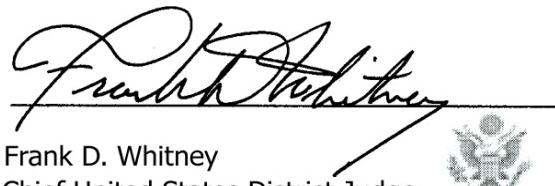
On May 24, 2016, Petitioner, who is represented by the Federal Defenders of Western North Carolina, commenced this action by filing a motion to vacate pursuant to 28 U.S.C. § 2255. (Doc. No. 1.) Petitioner challenges a 18 U.S.C. § 924(c) conviction and sentence under Johnson v. United States, 135 S. Ct. 2551 (June 26, 2015).

Respondent subsequently filed a motion to hold this proceeding in abeyance pending a decision by the Fourth Circuit Court of Appeals in United States v. Ali, No. 15-4433 (4th Cir) and United States v. Simms, No. 15-4640 (4th Cir.), which raise claims relevant to Petitioner's. (Doc. No. 4.) On September 19, 2016, the Court entered a text order granting the motion but ordering that the action be held in abeyance pending a decision by the United States Supreme Court in Beckles v. United States, No. 15-8455. The Court enters this Order to correct its September 19, 2016 text Order.

**IT IS HEREBY ORDERED THAT** the September 19, 2016 text Order is vacated in its entirety.

**IT IS FURTHER ORDERED THAT**, for the reasons stated in the motion and with consent of opposing counsel, Respondent's motion to hold this action in abeyance (Doc. No. 4) is **GRANTED**. Respondent shall file a response to the Petitioner's Motion to Vacate within 60 days of the Fourth Circuit's decision in United States v. Ali, No. 15-4433 or United States v. Simms, No. 15-4640, whichever is entered first.

Signed: September 20, 2016



Frank D. Whitney  
Chief United States District Judge

